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CONSTITUTIONAL PROVISIONS RELATING TO LOCAL GOVERNMENT

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would allow them expenses authorized other state officers. However, this is no ordinary pay increase proposition. This one carries provisions calculated to bring benefits to the voters and taxpayers. It would limit the general sessions of the Legislature to 120 calendar days. It would limit the budget sessions, which come at alternate years to the general sessions, to enactment of the budget and to revenue and tax measures necessary therefor, and to consideration of city and county charter amendments. Budget sessions would be limited to 30 days. Interim committee work would be tightened up also.

This amendment would not prevent the Governor from submitting to the Legislature at the budget sessions urgency matters to be handled at special sessions that could run concurrently with or immediately following the budget sessions.

The objectives of the amendment are to give the lawmakers a little more money to compensate them for the time and expenses of attending sessions of the Legislature and serving on interim committees, to improve the general conduct of the sessions and to tighten up on interim committee work.

By limiting the length of the sessions the lawmakers would be expected to get down to the brass tacks work of the session sooner than they do now, and people would get more earnest consideration of their bills earlier in the session. The proposed pay increase is not such as to induce men to make a career out of sitting in Sacramento. The proposed limitations on interim committees through cutting down on the money a member could draw for such work, would stop the undesirable practice of making a veritable racket of investigating people and things from one end of the State to the other.

Many who have in the past opposed straight pay increases for the lawmakers without any proposed reforms, have joined in to support this one. Some, however, particularly those who seek to make a career of the Legislature and its interim committees as well as those who have a theory that no limitations whatever should be

placed on the Legislature, will even oppose this well considered effort to improve the lot of the lawmaker and give the people a break at the same time.

As the one who wrote the argument against a straight pay increase for the Legislators on the ballot two years ago, I think this proposal moves objectionable aspects of the custom pay increase propositions and adds desirable features which all can support.

DAN W. GREEN

Publisher, Independent Review
Los Angeles, California

As author, I have read and concur in the analysis by Mr. Green of Constitutional Amendment No. 84.

SAM L. COLLINS

Speaker of the Assembly

Argument Against Assembly Constitutional Amendment No. 84

In writing the opposition statement to A. C. A. 84, I do so with mingled feelings for I fully realize the need for an increase in the salary of our legislators in order to bring to our Legislature the very highest type individual obtainable; yet, I sincerely believe that the amount of increase called for in this constitutional amendment is not much of an improvement over the existing salary and therefore could do little towards giving the members of the Legislature that degree of financial independence necessary to enable them to devote all of their time to legislative duties.

It is my sincere belief that the salary should be increased to \$6,000 per annum.

I furthermore object to the reduction of legislative days per session. I believe there should increase the number of days for both regular and the budgetary session rather than reduce them.

For the above mentioned reasons, I am opposed to A. C. A. 84.

WILLIAM H. ROSENTHAL
Assemblyman, 40th Dist.

CONSTITUTIONAL PROVISIONS RELATING TO LOCAL GOVERNMENT.

4 Assembly Constitutional Amendment No. 66. Repeals Sections 7½a, 8a and 18½, amends Section 18, of Article XI of Constitution. Eliminates inoperative provisions relating to consolidated city and county charters, the former Panama-Pacific International Exposition, and the indebtedness of various named counties and cities.

YES

NO

(For full text of measure, see page 5, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 66

This amendment proposes to repeal certain obsolete and inoperative provisions from Article XI of the California State Constitution pertaining to local government.

The amendment would repeal Section 7½a of Article XI, a provision applicable only to counties, which according to the census of 1910 had a population of over 200,000 inhabitants and did not have a county charter. At the time this section was adopted only one county (Alameda) was affected by it and that one county has since adopted a charter and thus is removed from its provisions. At the present time this section is not applicable to any county in California and it is

not probable that it ever again will be. For all practical purposes this section is now obsolete.

The remainder of the amendment would repeal provisions relating to the Panama-Pacific Exposition of 1915 and certain enabling acts relating to indebtednesses of several cities and counties of California, all of which indebtednesses have long since been repaid. These provisions have served the purposes for which they were originally enacted and are no longer of any force or effect.

A YES vote on this amendment will remove these obsolete and inoperative provisions from the California State Constitution.

THOMAS W. CALDECOTT
Assemblyman, 18th Dist.

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income.

All laws of this State that are inconsistent with any of the provisions of this Section 4 including all laws re-enacted and revised and declared to be fully and completely effective by this Article are hereby repealed.

All or any Sections of the Welfare and Institutions Code of the State of California hereby amended, may be further amended or may be repealed by the Legislature.

Section 5. If this Article is adopted by the people, it shall take effect five days after the date of the official declaration of the

vote by the Secretary of State and become operative upon the first day of the third month following the last day of the month in which occurs the date of the official declaration of the vote.

Until this Article becomes both effective and operative the provisions of Article XXV of Amendment to this Constitution as in effect prior to the effective date of this Article shall remain operative.

Section 6. If any portion, section or clause of this Article shall for any reason be declared unconstitutional or invalid, such declaration or adjudication shall not affect the remainder of this Article.

3 **LEGISLATIVE SESSIONS AND LEGISLATIVE PAY.** Assembly Constitutional Amendment No. 84. Amends Section 2 of Article IV of Constitution. Provides that budget sessions of Legislature shall consider only budget bill, revenue acts, charter changes, and provision for session expenses. Limits length of general and budget sessions. Sets salaries of legislators at \$300 per month. Permits legislators per diem expenses not exceeding allowances authorized for other elected state officers. Specifies maximum time limits for which per diem allowances may be paid during regular sessions and during service on legislative investigating committees.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed one hundred twenty calendar days, exclusive of the recess required to be taken in pursuance of this section, in duration.

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, **urgency measures requiring a two-thirds vote**, acts calling elections, **proposed Constitutional amendments**, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period not exceeding thirty calendar days thereafter; whereupon a recess of both houses must be taken for not less than thirty calendar days. On the reassembling of the Legislature, no bill shall

be introduced in either house without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

All budget sessions shall commence at 12 m.; on the first Monday in March and no budget session shall exceed thirty calendar days in duration.

(b) Each Member of the Legislature shall receive for his services the sum of three hundred dollars (\$300) for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding one hundred twenty calendar days of any general session or thirty calendar days of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, forty days as a member of one or more committees of either house, or sixty days as a member of one or more joint committees, but not exceeding sixty days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

4 **CONSTITUTIONAL PROVISIONS RELATING TO LOCAL GOVERNMENT.** Assembly Constitutional Amendment No. 66. Repeals Sections 7½a, 8a and 18½, amends Section 18, of Article XI of Constitution. Eliminates inoperative provisions relating to consolidated city and county charters, the former Panama-Pacific International Exposition, and the indebtedness of various named counties and cities.

YES

NO

(This proposed amendment expressly repeals and amends existing sections of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED OR REPEALED** are printed **STRIKEOUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

First, That Sections 7½a, 8a, and 18½ of Article XI thereof be repealed.

Sec. 4½a: Any county organized under the general law, and having, at the time this section takes effect, a population of two hun-

dred thousand inhabitants or over, as ascertained by the last preceding census taken under authority of the Congress of the United States, and having within its territorial boundaries one or more incorporated cities or towns, may frame a charter for a consolidated city and county government, by causing a board of fifteen freeholders, who have been for at least five years qualified electors of the county, to be elected by the qualified electors of said county, at a special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all of the members of the board of supervisors of such county, declaring that public interest requires the election of such board of freeholders for the purpose of preparing and proposing a charter for a consolidated city and county, with or without a system of home-rule, with combined powers of a city and a county, as in this Constitution provided for city and county government, or in pursuance of a petition of qualified electors of said county, as hereinafter provided, which said petition must state the name and address of a person or persons to whom notice of the inefficiency of the petition shall be sent in the event that the petition shall not have the required number of signatures of the qualified electors signed thereon. Such petition, signed by fifteen per centum of the qualified electors of said county, completed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for a consolidated city and county government, with or without a system of home-rule, with combined powers of a city and a county, as in this Constitution provided, may be filed in the office of the county clerk. It shall be the duty of the said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of the electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons to assist him in the work of examining such petition, and the board shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the results of his examination, and if by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. If it appear by said certificate that said petition has not the required number of signatures of the qualified electors signed thereon, the said clerk shall so notify the person or persons whose name or names are mentioned therein, to whom the notification of the inefficiency of the petition shall be sent. Whereupon the petitioners shall have thirty days from and after the date of receiving the notice of inefficiency from the clerk, to present and file additional signatures. Upon the receipt of the additional signatures, the clerk shall proceed forthwith to examine the petition of additional signatures, so that such examination shall be completed within ten days from the date of his receiving same. If it appears that the number of additional signatures added to those who have not been legally rejected upon the original petition, shall total the requisite number of qualified electors necessary as provided in this section, the clerk shall forthwith attach to said petition his certificate, properly dated, showing that said petition has been signed by the requisite number of qualified electors, and said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than forty days nor more than sixty days after the adoption of the ordinance aforesaid, or the presentation of said petition to said board of supervisors. Candidates for election as members of said

board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county officers, to be voted at general elections. The election shall be conducted and the ballots numbered and result declared substantially as are other elections for county officers, except that there shall be only one elector, and the fifteen persons receiving the highest vote shall be declared.

The duly elected board of freeholders, all time shall be broken by lot. It shall be the duty of said board of freeholders within one hundred and eighty days after the result of such election shall have been declared by the board of supervisors, to prepare and propose a charter for a consolidated city and county government, and it may proceed to the existing boundary lines of the county as the territorial limits of said proposed city and county, and propose the formation of all of the incorporated cities and towns and all of the unincorporated territory within the county into a consolidated city and county government, to be governed by said charter, and to have combined powers of a city and a county, as provided in this Constitution for consolidated city and county government. Or said board of freeholders may propose, in the alternative, that a home area than that of the whole county, to consist of those incorporated cities and towns hereinafter required to be designated and named by the board of freeholders as necessary and essential to effect consolidation, also those incorporated cities and towns, which as hereinafter provided, may by a majority vote of the qualified electors voting thereon separately, vote in favor of such consolidation together with any unincorporated territory within the county proposed to be added, may be formed into a consolidated city and county government, to be governed by said charter, and to have combined powers of a city and a county as provided in this Constitution for consolidated city and county government.

When such proposal is submitted in the alternative, the board of freeholders must designate and name as necessary and essential to effect city and county consolidation, all of the incorporated cities within the county having a population of one hundred fifty thousand inhabitants or over, as ascertained by the last preceding census taken under the authority of the Congress of the United States, and no consolidation shall be effected unless, as hereinafter provided, a majority of the qualified electors, voting separately thereon in each of said designated and named incorporated cities vote in favor of such proposal.

The charter proposed shall be signed by the members of the board of freeholders, or a majority of them, and be filed, one copy in the office of the county recorder, one in the office of the county clerk, and certified copies thereof duly attested by the president and secretary of the board of freeholders shall be filed in the clerk's office of each incorporated city and town in the county. The board of freeholders shall thereupon take a recess until called together by the board of supervisors as hereinafter provided. Thereupon the board of supervisors shall cause said proposed charter to be published in at least two daily newspapers of general circulation published, printed and circulated in the county, for at least six consecutive times, and shall also cause said proposed charter to be published for at least three consecutive times in a daily newspaper of general circulation, printed, published and circulated in each of the incorporated cities and towns within the county, and if there be no daily newspaper printed, published and circulated in any of such incorporated cities and towns then once in a weekly newspaper published, printed and circulated therein, provided, however, if there be no daily or weekly newspaper published, printed and circulated in any of such incorporated cities or towns, then said publication shall be made by posting in three public places in each of said incorporated cities or towns having no such newspaper, for at least three days. All of such publications shall be completed within fifty days of the filing of the proposed charter with the county clerk. The board of supervisors shall cause to be printed in pamphlet form at least as many copies of said proposed charter, plus an additional fifteen per cent, as there are

registered electors in the county. The county clerk shall forthwith deliver to the clerk of the legislative body of each and every incorporated city or town within the county a number of the printed copies of the proposed charter, equal at least to the number of registered electors residing in any such incorporated city or town. The county clerk shall thereupon give notice by advertising in one and not more than two daily newspapers of general circulation published, printed and circulated in the county, and if there be a newspaper published, printed and circulated in any of such incorporated cities and towns in any such newspaper of such said city or town, that copies of the proposed charter can be had at his office or at the office of the general city or town clerk, designating them upon applications. Upon the completion of the publication of the proposed charter as above required, and not later than fifteen days thereafter, the board of supervisors must pass an ordinance or resolution calling a separate election in each of the incorporated cities and towns within the county for submitting the proposal for consolidation to the electors thereof. Each incorporated city or town shall be considered one separate district, and the proposal for such consolidation shall be submitted separately to the electors thereof, as hereinafter provided. The date of such election shall be fixed in the resolution or ordinance adopted by the board of supervisors, which date shall not be less than forty days nor more than sixty days from the date of the passage of such resolution or ordinance calling the election for the submission of said proposal. The separate election held in the several cities and towns must all be held on the same day. The resolutions or ordinance calling such election shall be published for five successive days in one daily newspaper of general circulation published, printed and circulated in the county, so that the last publication shall have been completed at least five days before the date of the election. The resolution or ordinance calling such election shall also be published for three successive days in one daily newspaper of general circulation published, printed and circulated in each of the incorporated cities and towns, and if there be no daily newspaper published, printed and circulated in any of such incorporated cities and towns, then twice in weekly newspaper, provided, however, that if there be no daily or weekly newspaper published, printed and circulated in any such incorporated city or town, such publication may be made by posting in three public places in said incorporated city or town for at least three days before the date of election.

The board of supervisors must appoint election officers in the same manner and give notice of such appointment by publication, as provided by the general law for the appointment of election officers at general elections; provided, however, that the board of supervisors shall not appoint more than four election officers to each election precinct, and provided, further, that the number of precincts in each city or town comprising an election district shall not be less than the number of precincts used at the last general election in all other respects, every such election shall be held and conducted in the returns announced and the results thereof declared by the board of supervisors in the same manner as provided by law for general elections.

The proposal to be submitted to the electors of each of said incorporated cities and towns shall be substantially as follows: "Shall the (insert designated by name the incorporated city or town) join with the other incorporated cities and towns within the county of (insert name of county), together with the unincorporated territory within the said county, and form and establish a consolidated city and county (insert insert whether it is proposed to have a system of boroughs) to be known as the city and county of (insert name of borough) to be governed by the charter proposed by the board of supervisors, which charter has been filed in the office of the county clerk and duly published, said charter to take effect on (insert date mentioned in charter when city and county consolidation shall take effect)?" If the board of freeholders have proposed an alternative proposition, the ballot shall, in addition to the above proposal, state substantially, that if said principal proposal does not receive a

majority vote of the electors voting thereon in all of the incorporated cities and towns within the county, but receives a majority vote of the electors voting thereon in each of the incorporated cities within the county (insert name) which have been designated cities within the city necessary and essential in which a favorable vote would be had to effect consolidation of an area less than the whole of the county, then the proposition of the formation and establishment of a district into a consolidated city and county, which district shall include said named incorporated cities, also other contiguous incorporated cities and towns in which a favorable vote was had upon the proposition, and certain unincorporated territory (which district shall be the area described in the proposed amended charter) shall be thereafter submitted to the qualified electors of such district for their approval. Also there must be stated in each proposal such reference to taxation and bonded indebtedness and the liability thereon as is provided in the proposed charter.

If after the canvass of the votes and the declaration of the results by the board of supervisors, it appears that a majority of the electors in each of the incorporated cities and towns in the county voting separately thereon at said election have voted in favor of said proposal, the board of supervisors shall so certify such fact to the board of freeholders and not a day for the reconvening of said board of freeholders which day shall not be later than ten days after the certificate of the board of supervisors. The board of freeholders shall cause the certificate of the board of supervisors in its minutes and shall have no power to change or alter in any manner any of the provisions of the charter so heretofore prepared and published. It shall thereupon adjourn.

Whereupon the said proposed charter shall be submitted by said board of supervisors to the qualified electors of the whole of said county at a special election to be held not less than thirty nor more than sixty days after the adjournment of the board of freeholders, or if there be a general election held within thirty days after the adjournment of the said board of freeholders, then at such general election.

If a majority of the qualified electors voting thereon in the entirety of such special or general election shall vote in favor of said proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, it is to be in season, otherwise it is to be rejected or special session, for its approval or rejection in a whole without power of alteration or amendment. Such approval may be by concurrent resolution, and if approved by a majority vote of the members elected to each House, such charter shall become the charter of such consolidated city and county, and shall become the organic law thereof relative to matters therein provided, and shall supersede any existing municipal charter of the cities within the county, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to matters provided in such charter.

If it appears, after a canvass of the votes by the board of supervisors, that the proposal has not received a favorable vote in all of the incorporated cities and towns within the county, and the proposal submitted shall have provided in the alternative that a House committee, then that of the whole, not less than the incorporated cities designated and set forth in the proposal as necessary and essential to effect consolidation, may form and establish a consolidated city and county government, and a majority of the electors in each of the said incorporated cities designated as necessary and essential to effect consolidation have voted in favor of such proposal, the board of supervisors shall so certify the fact to the board of freeholders, and also certify all other incorporated cities or towns in which a majority of the electors have voted in favor of such proposal. The board of freeholders shall, within fifteen days thereafter, reconvene and meet upon a day to be fixed by the board of supervisors, and shall proceed to reconsider and define the boundaries for the proposed new city and county, including therein all of the incorporated cities certified by

the board of supervisors, in which a majority of the electors have voted in favor thereof, and which by the terms of the proposal were designated as necessary and essential to effect consolidation. The board of freeholders must also include in the boundaries for the new proposed city and county any incorporated city or town having a population of less than ten thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, which, if such new proposed city and county in former would be succeeded by such area proposed to be formed into a city and county, or which in contiguous hereto and not contiguous to the largest area of the remainder of the original county from which the proposed city and county proposes to separate, notwithstanding that the result of the election in any such incorporated city or town as shown by the returns of the votes of the board of supervisors, was unfavorable thereto. The board of freeholders may also include in the boundaries of the proposed new city and county other incorporated cities or towns, not designated and named as necessary and essential to effect consolidation, but in each of which a majority of the electors have voted in favor of such proposal, together with such unincorporated territory within the county as it may desire, the whole to form one compact area, no part of which shall be disconnected from the remainder thereof.

No amendment or change in the provisions or sections of the proposed charter as originally prepared, published and filed in the office of the county clerk, shall be made by the board of freeholders at its second session, except as herein provided. The board of freeholders at its second session shall have power to change the territorial limits or boundaries in such charter as heretofore provided. It shall also have power to change the number by reduction thereof, of boroughs and of the constitutional or supervisory districts and the number of commission or supervisors to be elected, and to reorganize and number said districts to conform to the area to be formed into a city and county, except that boroughs previously established by the charter, if their territory is within the area of the proposed city and county shall not be changed. It may also provide a house salary to be paid to any officer of the proposed city and county, if such salary is stated and fixed by the original proposed charter, and it may correct any mistake or clerical or typographical error.

The board of freeholders shall complete its labors, as above required, within ten days after the date fixed by the board of supervisors for its second meeting unless given an additional ten days time by said board of supervisors. Within said ten days and not later than twenty days, if such time has been extended, the members of the board of freeholders, or a majority thereof, shall sign the proposed charter as amended, and file one copy thereof in the county recorder's office and two copies in the county clerk's office, one of which copies shall thereafter be filed by the county clerk in the archives of the new city and county government, when the charter shall have been approved by the Legislature.

The provisions of section two of this article, and also those provisions of section three of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, shall not apply to the formation of such consolidated cities and counties, nor to the formation of new counties or of any city and county as herein specified under any of the provisions of this section.

Within ten days after the filing of the proposed charter, as amended by the board of freeholders with the county clerk, the whole area of the proposed new city and county shall, by resolution of the board of supervisors, be created into a district, for the purpose of submitting the proposed charter, as amended, to the electors thereof, for their approval. The question of the adoption of the proposed charter as amended, shall be submitted to the electors of the whole of the area proposed to be formed into a consolidated city and county on one proposal.

The board of supervisors shall forthwith, and not later than twenty days from the date of the resolution creating said district, pass an ordinance or resolution calling an election in the whole county, for the purpose of submitting the question of the consent of the electors of the whole county to the separation of the district proposed in the charter from the original county, and for the purpose of submitting the question of the adoption of the proposed charter to the electors residing within the district created, or the proposed territory described in the charter as amended, on the territorial boundaries of the proposed new city and county.

Both propositions or proposals shall be submitted at one election, as hereinafter provided. The date of such election shall be fixed in the resolution or ordinance calling such election, which date shall not be less than twenty days nor more than sixty days from the date of the passage of the resolution or ordinance calling such election.

The resolution or ordinance calling such election shall be published for five consecutive days in not less than two daily newspapers, if there be two, if not in one daily newspaper of general circulation published, printed and circulated in the county; or if there be no such daily newspaper, then twice in at least one weekly newspaper published, printed and circulated in the county. Such resolution or ordinance shall also be published for a like time in at least one daily newspaper of general circulation published, printed and circulated within the area or territory proposed to be formed into a consolidated city and county.

The amended sections of the charter shall also be published for three consecutive days in at least one daily newspaper published, printed and circulated in the county, and if there be no daily newspaper published, printed and circulated in the county, then twice in a weekly newspaper published, printed and circulated in the county. Such amended sections of the charter shall likewise be published in at least one daily newspaper published, printed and circulated within the area or district proposed to be formed into a city and county, and if there be no such daily newspaper, then twice in a weekly newspaper published, printed and circulated in said area.

The board of supervisors must appoint election officers in the same manner and give notice of such appointment by publication as provided by the general law for the appointment of election officers at general elections, except that no more than four election officers shall be appointed to each election precinct. In all other respects, every such election shall be conducted, the returns returned and the result declared by the board of supervisors in the same manner as provided by law for general elections.

The proposal to be submitted to the electors of the whole of the county and the proposals to be submitted to the electors of the district or area described in the charter as the territorial boundaries of the proposed new city and county, shall be as follows:

In the county outside of the district or area described in the charter as the territorial boundaries of the new consolidated city and county, the only proposal to be submitted to the electors thereof shall be substantially as follows:

"Shall the incorporated cities and towns (herein name them) and the unincorporated territory (if any) (herein describe the unincorporated territory) be permitted to separate from (herein name the county) and establish a consolidated city and county to be known as (herein insert name of new county), the separation to take effect on (herein name date fixed in the proposed charter for the taking effect of the new city and county government)?"

In the district created by the resolution of the board of supervisors, which shall be the area described in the amended proposal of the charter, the same proposal as above shall be submitted to the electors, and also shall be submitted separately the question of the establishing of the area into a new consolidated city and county and its approval and ratification of such charter, substantially in the following form: "Shall the (herein describe the territory as described

in the proposed amended charter) consolidate and be formed and established into a city and county government to be known as (herein state name of city and county) (herein state whether there shall be a system of boroughs) and shall the charter prepared, published and filed in the office of the county clerk on (herein state the date upon which the amended charter as to boundaries was filed) be adopted as the charter of the consolidated city and county; to take effect (herein state date mentioned in the charter when the consolidation shall take effect).¹ Also may be stated in this proposal such reference to taxation and bonded indebtedness and the liability therefor as provided in the proposed charter.

Upon consent to the separation of such district being given by a majority of the qualified electors voting thereon, at such election, in the whole of the county, and upon the approval and ratification of such charter by a majority of the qualified electors voting thereon in the district or area which is to be formed into a consolidated city and county, and by the approval of said charter by the Legislature, as hereinbefore provided in this section for the submission of the charter to the Legislature when the whole of the county is to be formed into a consolidated city and county, said charter shall be deemed adopted; and upon the date fixed in said charter such district shall be and become one consolidated city and county; and the charter shall become the organic law thereof relative to matters therein provided; and shall supersede any existing municipal charter of the cities consolidated by it; and shall likewise supersede all laws inconsistent with such charter relative to matters provided in such charter.

It shall be competent, in any charter, or amendment thereof, framed under the authority given by this section, to provide in addition to those provisions allowable by the Constitution and laws of the State as follows:

1. For the merging and consolidating the cities and county into one municipal government with one set of officers; for the establishment of a borough system of government for the whole or any part of the territory of said city and county; by which one or more districts may be erected therein, which districts may be known as boroughs and shall exercise such municipal powers as may be granted by such charter; and for the organization, constitution, regulation, government and jurisdiction of such boroughs, which organization, constitution, regulation, government and jurisdiction may provide for rural districts, with different powers and organization, constitution, regulation, government and jurisdiction from other boroughs; provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered; nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction, as the case may be, shall each have consented thereto, by the vote of a majority of the electors in each and every such borough voting at an election or elections called and held for such purpose in each of the boroughs so affected.

2. For the consolidation and merging of school and high school and union high school districts into one or more school, high school and union high school district within the city and county, to be governed by one board of education and one school superintendent; and may provide separate organization, constitution, regulation, government and jurisdiction and powers for rural school districts, if any are established.

3. For the constitution, regulation, government and jurisdiction of police courts; and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed; and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitu-

tion, regulation, government and jurisdiction of municipal courts with such civil and criminal jurisdiction as by law may be conferred upon inferior courts; and for the manner in which, the time at which, and the terms for which the judges of such courts shall be elected or appointed; and for the qualifications and compensation of said judges and of their clerks and attaches; provided, such municipal courts shall never be deprived of the jurisdiction given inferior courts erected by general law; provided, that in any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court; and all records of such inferior court shall thereupon be and become the records of such municipal court.

4. For the manner in which, the times at which, and the terms for which the members of the board of education or boards shall be elected or appointed; for the qualifications, compensation and removal; and for the number which shall constitute any one of such boards.

5. For the manner in which, the times at which, and the terms for which the members of the board or boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

6. For the manner in which and the times at which any municipal election or borough election shall be held and the result thereof determined; and for manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed; and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

It shall be competent in any charter framed in accordance with the provisions of this section, for any consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, for the powers and duties of all county, city and county, municipal and borough officers; for the manner in which, the method by which, and the terms for which the several county, city and county, municipal and borough officers, except judges of the superior court shall be elected or appointed; and for their recall and removal; and for their compensation; and for the number of deputies, clerks and other employees that each shall have; and for the powers and duties, compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

7. It shall be competent in any charter, or amendment thereto, framed in accordance with the provisions of this section, to provide that the city and county may make and enforce all laws and regulations, and exercise all rights and powers in respect to municipal affairs and municipal officers, and shall have all powers and rights appropriate to a county, city, and city and county subject only to the restrictions and limitations provided in such charter.

Any charter framed under the provisions of this section, which charter provides for the formation of the whole territory of the county into a consolidated city and county, may provide for the termination of the tenure of office of all county officers elected after the adoption of such charter by the electors of such county and prior to the approval of such charter by the Legislature.

8. No property in any city or town or territory hereinafter consolidated into a city and county shall be taxed for the payment of any indebtedness outstanding at the time the charter takes effect and for the payment of which indebtedness the property in such city or town or territory was not, prior to the taking effect of such charter, subject to such taxation, unless there shall have been submitted to the qualified electors of such city or town or territory, at the separate election submitting the proposal in the first instance to join, the

proposition regarding the assumption of such indebtedness as herein before set forth and the same shall have been approved by a majority of such electors voting thereon.

In all cases of consolidation of two or more incorporated cities and towns, or of one or more incorporated cities or towns with unincorporated territory, into a city and county, assumption of existing bonded indebtedness by such city or town or by such unincorporated territory or by either of the cities and towns so consolidating may be made by a majority of the qualified electors voting thereon in the territory or city or town which shall assume an existing bonded indebtedness, and the provisions of section eighteen of this article shall not be a prohibition thereof.

Every city and county which shall be formed, under the provisions of this section, of territory which shall have been taken from the original county, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county existing at the time of such separation.

If the population in the territory formed into a city and county, by separation from the original county, is equal to or greater in number than two-thirds of the population of the whole of the original county at the time of the formation of such city and county, the city and county so formed and separating itself from the original county, shall be entitled to the original records and books of the original county, upon supplying to the original county, certified copies of all records, documents and books properly bound and indexed, which affects or may affect the property of the remaining portion of the original county, or which it may in the future have occasion to refer to; and such certified copies so furnished and certified by the county clerk if the copies are issued from his office, and by the recorder if issued from his office, or by any other officer of the county if they be copies of records in his office, shall be competent evidence in any court proceeding or action which may thereafter be commenced.

The Legislature of the State may enact such general laws as may be necessary to carry out the provisions of subdivision eight of this section.

If by the formation of a city and county, under the provisions of this section, any territory whether incorporated or unincorporated is separated from the original county, and by such separation, any of the elective officers of the original county, have by reason of such separation ceased to be residents or electors of the original county, such elective officers shall continue to serve, and be charged with all of the powers and duties of the office to which they were elected, until the expiration of the term for which they were elected, and their salaries shall be paid, by both the new city and county and the remaining portion of the original county, in proportion and in the ratio as the population of each bears to the whole population of the original county.

If under the provisions of this section, any city and county is formed which does not include the whole of the original county, and by reason of the separation of the territory comprising the new city and county, any incorporated city or town or any unincorporated territory is separated from the largest area of the remainder of the county, by reason of its exterior boundary not being contiguous thereto, the Legislature shall provide for the transfer of such portion or portions to an adjoining county or counties whose exterior boundary or boundaries may be contiguous thereto, or it may transfer such portion or portions to the new consolidated city and county, provided, however, if here be formed and established under the provisions of this section, a consolidated city and county government of a lesser area than that of the whole county, and there be any incorporated city having a population of forty thousand inhabitants or over, within the county, as ascertained by the last preceding census taken under the authority of the Congress of the United States, which is not included therein, or if by the formation and establishment of any lesser area than that of the whole county into a consolidated

city and county, any such incorporated city having such population is separated and detached from the largest area of the remainder of the original county, by reason of its exterior boundaries not being contiguous thereto, then such incorporated city, together with all other incorporated cities or towns or unincorporated territory in such original county, which if said new city and county is formed, and established would likewise be so separated and detached, and which are contiguous to each other and form one compact area, may organize and establish a consolidated city and county government for the whole of such detached territory under the provisions of section eight of this article, by adopting a freeholders charter in accordance with the provisions of said section, and to have all of the powers conferred by said section, except that for the purpose of the election of the members of the board of freeholders, and the organization and establishment of such consolidated city and county government, the whole of such detached area proposed to be formed into such consolidated city and county, shall be treated and considered as a city, within the meaning of Section 8 of this article, and except that all elections thereunder and all proceedings for the adoption of such charter shall be initiated and conducted by the governing body of the incorporated city having the largest population in such detached area. Such charter may be submitted to the electors within the area of the detached territory, for their approval, at any time subsequent to the adoption of the charter prepared by the freeholders elected by the electors of the whole of the original county, but the same shall not be ratified by the Legislature of this State until after the ratification by the Legislature of the charter adopted in the first instance, which provided for the formation of a lesser territory than that of the whole county into a consolidated city and county government.

If under the provisions of this section any city and county is formed, which does not include the whole of the area of the original county from which it is permitted to separate, and any remainder of the county is not transferred to another county as in this section provided, but is to continue as a county, the Governor of the State shall designate and assign, from among the judges of the superior court of the original county in office at the time of the taking effect of the new city and county government, as many judges as the ratio of the population contained in the area formed by the new city and county bears to the population of the whole of the original county at the time of the approval of the charter by the Legislature, and the judges so assigned shall be and become the judges of the superior court of the new city and county, to hold office during the term for which each of them shall have been elected.

Upon the approval by the Legislature of any charter framed under the provisions of this section, which charter provides for the separation of any new city and county from the original county, the board of supervisors of the original county, shall, at the time and in the manner set forth in such charter so approved, pass an ordinance calling an election in the area which is consolidated into a city and county, for the purpose of nominating and electing the first officers thereunder. Said board of supervisors shall canvass the votes and declare the result of such election. The county clerk or other officer having charge of registration of electors shall furnish to the district or city and county so consolidated, the voting list and precinct registers of all the electors residing in the area of the territory wherein the election is to be held.

The provisions of this Constitution applicable to cities, and cities and counties, and also applicable to counties, so far as not inconsistent or prohibited to cities or cities and counties, except in the method of procedure of calling elections for the election of freeholders and the submission of the question of the formation of a consolidated city and county, shall be applicable to such consolidated city and county.

Any charter framed under the provisions of this section may be amended as provided in Section 8 of Article XI of this Constitution.

Nothing in this section shall be construed to repeal or alter in any way the provisions of Section 8 1/2 of Article XI of this Constitution, providing a different method and procedure for the formation of cities and counties, wherein the initiative is taken by a city or city and county. Nor shall the provisions of this section apply to any consolidated city and county, organized as such at the time this section takes effect; nor shall the provisions of this section apply to any county, which at the time this section takes effect, had adopted a freeholders charter, and was organized and operating under such freeholders charter. The Legislature shall enact such general or special laws as may be necessary to carry out the provisions of this section and such general or special laws, as may be necessary to effect city and county consolidation hereunder, or as may be necessary to provide for any period after such consolidation, by reason of the separation from the original county of such consolidated city and county, or to provide for the government of the remainder of the original county from which separation was had.

Sec. 8a. The charter of the City and County of San Francisco may be amended, in addition to the method and the times provided in section 8 of Article XI of the Constitution, in the following particulars:

(a) Authorizing the City and County of San Francisco, a municipal corporation, by its legislative authority, to incur a bonded indebtedness in an amount not exceeding five million dollars, and to issue municipal bonds therefor, and to grant and turn over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the City and County of San Francisco to celebrate the completion of the Panama Canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest on said bonds to not exceed five per centum per annum; and said bonds to be exempt from all taxes for State and municipal purposes; and to be sold for not less than par at such times and places; and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority; the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(b) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by Section 8 of Article XII of said charter;

(c) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the City and County of San Francisco westerly from Twentieth Avenue, as extended, for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(d) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the City and County of San Francisco; and by the City and County of San Francisco, not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition.

(e) Authorizing said Panama-Pacific International Exposition Company to temporarily close streets in the City and County of San

Francisco westerly from Twentieth Avenue, for such exposition purposes; and to have the exclusive possession and use, together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the City and County of San Francisco in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the Legislature.

Any act of the legislative authority of the City and County of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama-Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the City and County of San Francisco.

Sec. 18 1/2. Anything in this Constitution to the contrary notwithstanding, the county of Los Angeles may, out of succeeding years revenue or income, reimburse any funds officially held by the treasurer of Los Angeles county which have been heretofore diminished by payment therefrom, during the sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh or sixty-eighth fiscal years, of claims or demands representing indebtedness or liability of said county in excess of the income and revenue provided for the year in which such indebtedness or liability was incurred, whenever a majority of the qualified electors of said county voting at an election held for that purpose shall so decide; and such an election may be called by the board of supervisors of said county and held in accordance with the election laws of this State applicable thereto.

Second, That Section 18 of Article XI thereof be amended to read:

Sec. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted - provided further, however, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work

done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years; the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars; and that no statute of limitations shall apply in any manner to these claims; and provided, further, that the city of Vallejo, Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks; whenever two-thirds of the electors thereof, voting at an election held for that purpose, shall so decide; and that no statute of limitations shall apply in any manner; provided, further, that the city of Venice may pay all of its indebtedness incurred during the years nineteen hundred fourteen, nineteen hundred fifteen and nineteen hundred sixteen in excess of the income and revenue for said years; the amount to be paid in full of said indebtedness not to exceed in the aggregate the sum of sixty thousand dollars; whenever two-thirds of the voters thereof voting at an election held for that purpose shall so decide; and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. The city and county of San Francisco; the city of San Jose; and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one-fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; and provided, further, that the county of Alameda may, upon the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars; and the legislative authority of

said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine; the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts; and at such times not later than forty years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed five per centum per annum; and said bonds to be exempt from all taxes for State, county and municipal purposes and to be sold for not less than par at such times and places; and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such terms or conditions as said legislative body may determine, to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by other authority; than said legislative authority of Alameda county; the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition; under the direction and control of said exposition company; and the legislative authority of said county of Alameda is hereby empowered and directed to levy a special tax on all taxable property in said county each year after the issue of said bonds to raise an amount to pay the interest on said bonds as the same become due; and to create a sinking fund to pay the principal thereof when the same shall become due.

CONSTITUTIONAL CONVENTION OF 1878-1879. Assembly Constitutional Amendment No. 67. Repeals Section 19 of Article XX of Constitution, relating to payment of expenses of State Constitutional Convention of 1878-1879.

5

(This proposed amendment expressly repeals an existing section of the Constitution, therefore, the **EXISTING SECTION** proposed to be **REPEALED** is printed in **STRIKEOUT TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the Convention framing this Constitution, including the per diem of the Delegates for the full term thereof.

EFFECTIVE DATE OF 1933 STATUTES. Assembly Constitutional Amendment No. 68. Repeals Section 1a of Article IV of Constitution, as adopted in 1933, relating to the effective date of statutes enacted at the 1933 Regular Session of the Legislature.

6

(This proposed amendment expressly repeals an existing section of the Constitution, therefore, the **EXISTING SECTION** proposed to be **REPEALED** is printed in **STRIKEOUT TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 1a. All acts passed by the Legislature at its fiftieth regular session on or before July 16, 1933, shall go into effect ninety days after May 22, 1933, except acts which under the provisions of

section 1 of Article IV of this Constitution go into effect immediately. All such acts which do not go into effect immediately shall be subject to all the referendum provisions of section 1 of Article IV of this Constitution, except that the petition therein required to be presented to the Secretary of State must be so presented within ninety days after May 22, 1933. The provisions of this Constitution not in conflict herewith shall otherwise apply to all bills and acts of the fiftieth regular session of the Legislature.